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7 Refer to File Number: 3968-20080200-PLC

8 Attorneys for Defendant
9 FIRST FEDERAL BANK OF CALIFORNIA
10

11 IN THE UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13

14 DEBORAH E. JOHNSON and
15 GERALD D. JOHNSON,

16 Plaintiffs,

17 v.

18 FIRST FEDERAL BANK OF
19 CALIFORNIA,

20 Defendant.
21

CASE NO. C08-00264PVT

[Ordered Related to Case No. 08-01796
PVT]

DEFENDANT'S INITIAL
DISCLOSURES PURSUANT TO FRCP
RULE 26

Patricia V. Trumbell, Magistrate

22 **TO THE HONORABLE PATRICIA V. TRUMBELL, MAGISTRATE**
23 **AND ALL INTERESTED PARTIES:**

24 Defendant FIRST FEDERAL BANK OF CALIFORNIA (hereinafter
25 "Defendant" or "First Federal") hereby submits the following initial disclosures in
26 compliance with FRCP Rule 26(a).

27 **(A) THE NAME AND ADDRESS OF EACH INDIVIDUAL LIKELY TO**
28 **HAVE DISCOVERABLE INFORMATION THAT THE DISCLOSING**
PARTY MAY USE TO SUPPORT ITS CLAIMS:

1. Plaintiffs;

1 2. Carol Baxter, Senior Vice President, Loan Service Department
2 FIRST FEDERAL BANK OF CALIFORNIA
3 12555 West Jefferson Blvd.
4 Los Angeles, CA 90066;

5 3. J. Michael Galloway
6 PACIFIC MORTGAGE CONSULTANTS, INC.
7 2368 Research Drive
8 Livermore, CA 94550
9 (925-294-8884.

10 **(B) A COPY OF, OR DESCRIPTION BY CATEGORY AND LOCATION OF**
11 **ALL DOCUMENTS, DATA COMPILATIONS, AND TANGIBLE**
12 **THINGS THAT ARE IN THE POSSESSION, CUSTODY OR CONTROL**
13 **OF THE PARTY AND THAT THE DISCLOSING PARTY MAY USE TO**
14 **SUPPORT ITS CLAIMS.**

15 1. Alain Pinel Realtors website, wherein Plaintiff Gerald Johnson holds himself out as a
16 realtor: www.apr-carmel.com/agents/index.cfm/Gerald_Johnson_25.htm.

17 2. Note and Deed of Trust executed by Deborah Johnson on May 5, 2005, and recorded
18 on May 16, 2005. The Court has already taken Judicial Notice of these documents in
19 connection with Defendant's first Motion to Dismiss Complaint.

20 3. Notice of Default and Election to Sell Under Deed of Trust, recorded on July 11,
21 2007 with the Monterey County Recorder.

22 4. Notice of Trustee's Sale recorded on October 15, 2007 with the Monterey County
23 Recorder.

24 5. Deborah Johnson's Chapter 13 Bankruptcy, Case Number 07-53614 and documents
25 filed therein. The Court has already taken Judicial Notice of this case and the pertinent
26 documents.

27 6. Gerald Johnson's Chapter 7 Bankruptcy, Case Number 007-53751 and documents
28 filed therein.

7. Trustee's Deed Upon Sale, recorded on February 12, 2008 with the Monterey County
Recorder.

1 8. Transcript of Proceedings on Defendant's Motion to Dismiss Complaint, heard in
2 the above-captioned matter on March 4, 2008.

3 9. Order Granting Defendant First Federal Bank of California's Motion to Dismiss
4 with Leave to Amend, entered on March 10, 2008 in the above-captioned case.

5 10. February 27, 2005 Uniform Residential Loan Application, along with the following
6 documents prepared by mortgage loan broker, Pacific Mortgage Consultants, Inc.
7 ("PCM"): Authorization to Disclose, Notice to Applicant of Right to Receive Copy of the
8 Appraisal Report, Notice to Home Loan Applicant - California Credit Score Disclosure,
9 Broker and Borrower Document Certification, and Mortgage Loan Origination
10 Agreement.

11 11. May 5, 2005 Uniform Residential Loan Application (along with a letter dated
12 April 21, 2005 from The Care Financial Group), Truth-In-Lending Disclosure Statement,
13 RESPA Servicing Disclosure, an Adjustable Rate Mortgage ("ARM") Disclosure
14 Statement, a Power of Attorney, and Affidavit of Attorney in Fact, a Grant Deed and a
15 Notice of Right to Cancel (along with faxed correspondence, a "cancellation" and a
16 rescission of the cancellation) (hereinafter collectively as the "TILA Disclosure
17 Documents").

18 12. Statement of Account for loan at issue.

19 13. July 11, 2007 Notice of Default and Election to Sell Under Deed of Trust (the
20 "NOD") and August 2, 2007 Affidavits and Declarations of mailing.

21 14. October 15, 2007 Notice of Trustee's Sale, Affidavit and Declaration of
22 Mailing. Photograph of October 16, 2007 posting of Notice of Trustee's Sale on the
23 property. Declaration of Publication of Notice of Trustee's Sale in "The Carmel Pine
24 Cone" on October 19, 2007, October 26, 2007 and November 2, 2007.

25 Each of the above-listed documents have been provided to Plaintiffs through the two
26 Motions to Dismiss and supporting declarations/requests for judicial notice filed
27 concurrently therewith.

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1 (C) A COMPUTATION OF DAMAGES:

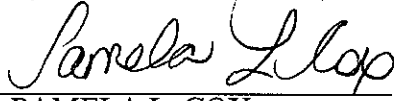
2 Defendant contends Plaintiffs have not been damaged as a proximate result of any
3 actions by Defendant. Defendant will defer disclosure of any potential damages caused
4 by the Plaintiff until after its second Motion to Dismiss Complaint is heard by the court
5 on June 3, 2008 and ruled upon.

6 (D) FOR INSPECTION AND COPYING AS UNDER RULE 34 ANY
7 INSURANCE AGREEMENTS.

8 Not Applicable.

9
10 DATED: May 27, 2008

HEMAR, ROUSSO & HEALD, LLP

11 By: 
12 PAMELA L. COX
13 Attorneys for Defendant
14 FIRST FEDERAL BANK OF
15 CALIFORNIA
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PROOF OF SERVICE

STATE OF CALIFORNIA)

COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within action. My business address is Hemar, Rouso & Heald, LLP. ("the business") 15910 Ventura Boulevard, 12th Floor, Encino, CA 91436.

I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

On May 27, 2008, I served the foregoing document described as **DEFENDANT'S INITIAL DISCLOSURES PURSUANT TO FRCP RULE 26** on the interested parties in this action by placing a true and correct copy thereof in a sealed envelope addressed as follows:

DEBORAH E. JOHNSON
PO Box 4448
Carmel, CA 93921-4448

GERALD D. JOHNSON
PO Box 4448
Carmel, CA 93921-4448

XX At my business address, I placed such envelope for deposit with the Federal Express or
XX U.S. Postal Office by placing them for collection and mailing on that date following ordinary business practices.


 I delivered such envelope(s) by hand to the offices of the addressees.

 I caused such copies to be facsimiled to the persons set forth.

XX (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

 (Federal) I declare under penalty of perjury under the laws of the United States of America that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 27, 2008 at Encino, California.


LISA FIELDS